



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Qin Chen et al.

5

Serial No.: 10/760,119

Group Art Unit: 1761

Filed: January 17, 2004

Examiner: TBD

For: Compression-Molded
Vegetable Based Candle

Atty. Docket No.: 130-040

Honorable Commissioner of Patents and Trademarks
Alexandria, VA 22313

10

PETITION UNDER 37 C.F.R. 1.47

S I R:

This is a petition under 37 C.F.R. 1.47 for the above referenced application. Specifically, this petition asserts that: 1) inventor Fabian T. Destefano, whose last known address
15 is 10518 Wellington Boulevard, Powell, Ohio, 43085, after diligent effort, cannot be reached; 2) inventor Mary Grace P. David refuses to sign the inventors oath under 37 C.F.R. 1.63 after receipt of the above referenced application; and 3) inventor John A. Ferguson refuses to sign the appropriate oath
20 under 37 C.F.R. 1.63. In light of the foregoing statement of facts, applicant respectfully requests that the oath submitted herein, signed by at least one joint inventor be accepted under 37 C.F.R. 1.47.

STATEMENT OF FACTS

A. Fabian T. DeStefano

Fabian T. DeStefano was an employee at Bath & Body Works, where he helped develop various products. As a result, Mr. Stefano was one of five inventors of the above referenced application. Mr. DeStefano's address when he was an employee at Bath and Body Works was 10518 Wellington Boulevard, Powell, Ohio, 43085. Prior to filing this application, Mr. DeStefano left the company and moved to South America, where upon information and belief, he is now a resident. After a diligent search, Mrs. Lori Slawinski of Bath & Body Works was unable to locate Mr. DeStefano's address in South America, and has been unable to contact him regarding his signature.

B. Mary Grace P. David

Mary Grace P. David was a co-inventor of the above-referenced application. Mrs. Slawinski delivered a copy of the patent application and a declaration form for the above-referenced application to Ms. David via Federal Express on or about September 29, 2004. Upon receipt, Ms. David, who was working with Bath & Body Works for another company, informed Mrs. Slawinski orally that she believed her company should be an assignee of the present application and she would not sign the declaration until said assignment was made. Bath & Body Works is currently investigating whether its relationship with Ms.

David's company would make such an assignment appropriate, however, it is not anticipated that the matter will be resolved before the time frame to file the declaration expires.

C. John A. Ferguson

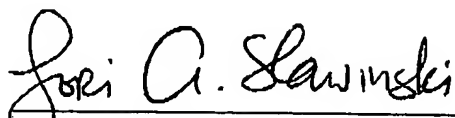
5 John A. Ferguson was a co-inventor of the above referenced application. Before the present application was filed, Mr. Ferguson left Bath & Body Works. Mrs. Slawinski delivered a copy of the declaration form to Mr. Ferguson via first class mail on September 2, 2004. Upon receipt, Mr. Ferguson orally
10 informed Mrs. Slawinski that under his exit agreement with the company, he was to be monetarily compensated for reviewing any materials associated with his previous employment. Mrs. Slawinski informed Mr. Ferguson that his review and signature related to the accuracy of the application and to ensure that
15 Mr. Ferguson received credit as an inventor, but unfortunately, Mr. Ferguson did not sign the declaration. Bath & Body Works is working to resolve this issue, but does not anticipate that it will be resolved before the time frame to file the declaration expires.

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CERTIFICATION

I hereby certify that I have first-hand knowledge of the facts contained in the Statement of Facts, and that the Statement of Facts accurately reflects the circumstances

regarding both Mr. Ferguson's and Ms. David's refusal to sign
and the unavailability of Mr. Destefano.



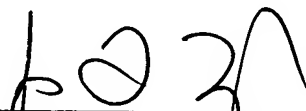
Leri A. Slawinski
Intellectual Property Paralegal
Bath & Body Works, Inc.

CONCLUSION

10 Applicant respectfully submits that the conditions for filing a
Declaration under 37 C.F.R. 1.63 are satisfied despite the lack
of a totality of inventor's signatures. Specifically, applicant
contends that the preceding Statement of Facts complies with 37
C.F.R. 1.47. As a result, the attached Declaration under 37
15 1.63 should be accepted.

Respectfully submitted,

Date: 10/22/04



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